

August 19, 2009

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, August 19, 2009 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Browning.

3. ROLL CALL

Present: Commissioners Browning, Busch, Gibson, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Sr. Planning Associate Chun, Fire Marshal Kazandjian, Plans Examiner Noh, Associate Civil Engineer Symons, and City Attorney Fellows.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, August 13, 2009.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS - None.

7. ORAL COMMUNICATIONS #1 – None.

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Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS – None.

9. CONTINUED HEARINGS

9A. PRE09-00002: CBB ARCHITECTS (NGOCANH THI NGUYEN)

Planning Commission continued consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5312 Bindewald Road.

Recommendation

Approval.

Planning Assistant Yumul introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner Uchima announced that he was not present at the original hearing on this matter but had listened to the audiotapes from that meeting and was prepared to participate in this hearing.

In response to Commissioner Browning's inquiry, Planning Manager Lodan confirmed that the silhouette accurately reflects the height of the project and takes into account the grading of the lot.

Charles Belak-Berger, project architect, voiced his agreement with the recommended conditions of approval. He briefly reviewed the revisions made to address concerns about the project, including lowering the overall height, reducing the size of the second floor, modifying balconies, eliminating windows, and increasing the westerly side yard setback. He reported that he shared the plans with all the affected neighbors, except for the neighbor to the west who still objects to the project, and they were satisfied with the changes that had been made.

Commissioner Browning, echoed by Commissioner Skoll, commended Mr. Belak-Berger for listening to direction given at the earlier hearing and revising the plans accordingly.

Nancy Nguyen, 15117 Gramercy Place, Gardena, the applicant's sister-in-law, provided background information about her family. She explained that the family arrived in the United States 19 years ago empty-handed; that they have worked very hard and made many sacrifices to afford to build this home; and that the large home is necessary to accommodate their extended family. She reported on efforts to share the plans with neighbors and submitted additional letters of support. She noted that the City will benefit from the new home due to the increase in property taxes.

Steve Miller, 5316 Bindewald Road, stated that he reviewed the revised plans in the Community Development Department and still objects to the project because it would block sunlight from his living room and bedroom and second-floor windows would peer into his backyard. He expressed concerns that windows made of obscured glass could be changed to clear glass in the future and obscured glass does nothing to protect privacy when windows are open. He related his understanding that the maximum height allowed for a one-story residence is 14 feet, not 18 feet as reported by staff at the last hearing. He disputed findings contained in Resolution No. 09-035, which state that the project would not have an adverse impact on the view, light, air or privacy of other properties in the vicinity, contending that the project would have a tremendous impact on light and privacy with regard to his property.

In response to Commissioner Busch's inquiry, Planning Manager Lodan advised that a single-story home of approximately 4,000 square feet, including garage, could be built on the subject lot without exceeding FAR (Floor Area Ratio) guidelines. He confirmed that the maximum height allowed for a one-story residence is 18 feet.

Pam Barthold, 5264 Zakon Road, voiced support for the project. Noting that she is an interior designer who has worked on several homes in the Hillside area, she expressed concerns that eliminating windows to address privacy impacts creates giant blank walls that are not aesthetically pleasing. She pointed out that the windows facing Mr. Miller's property are in a bedroom and bathroom, which are not rooms where people spend time peering out the window. She suggested that a one-story home on this property would take up the entire backyard and leave no safe place for children to play.

Returning to the podium, Mr. Belak-Berger disputed Mr. Miller's claim that the project would greatly impact his light and privacy, contending that some of his testimony was fabricated. He noted that the existing fence, which is almost as tall as the eaves of Mr. Miller's house and less than 5 feet away, already creates a barrier to light and doubted that the project would impact his property in any major way. He stated that everything possible has been done to minimize the project's impact, including lowering it into the grade as far as possible without affecting drainage.

Commissioner Browning stated that he did not observe a privacy impact, noting that it was impossible to guarantee absolute privacy in an urban setting. He questioned whether the applicant would be required to plant a tree in the parkway even though there is no sidewalk.

Associate Civil Engineer Symons explained that if there is already a tree close to the public right-of-way, it would satisfy the Code requirement that one tree be installed for every 50-feet of frontage and noted that a sidewalk will be installed in conjunction with the project.

Commissioner Busch disagreed with Mr. Belak-Berger's claim that Mr. Miller's testimony was fabricated, relating his belief that his testimony represented his and his mother's position as they saw it.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

Chairperson Weideman indicated that he would support the project because he believed the revisions had sufficiently addressed concerns about the impact on light and privacy.

MOTION: Commissioner Browning moved to approve PRE09-00002, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by a 5-2 roll call vote, with Commissioners Busch and Horwich dissenting.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 09-035.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-035. The motion was seconded by Commissioner Uchima and passed by a 6-1 roll call vote, with Commissioner Horwich dissenting.

9B. CUP09-00008: TODD MANNER – FIEDLER GROUP (TOYOTA MOTOR COMPANY)

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction and operation of a new hydrogen fueling station with a learning center on a portion of an existing parking lot on property located in the M-1/P-1 Zones at 2055 190th Street.

Recommendation

Approval.

Planning Assistant Yumul introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner Uchima announced that he was not present at the original hearing on this matter but had listened to the audiotapes from that meeting and was prepared to participate in this hearing.

Commissioner Skoll disclosed that he had a brief conversation with John Fleming, 2109 W. 187th Street, earlier today regarding his email dated August 13, 2009 and nothing said during that conversation would influence his decision.

Commissioner Busch disclosed that he had visited the site and the backyard of Chris Cognac, 18926 Wilton Place, the residence closest to the proposed station.

Jim Volk, representing Shell Hydrogen, stressed the need for the proposed fueling station to provide the infrastructure to support new hydrogen-fuel cell technology being developed by auto manufacturers, including Torrance-based Toyota and Honda. He provided background information about Shell Hydrogen, noting that the company has been in business for 10 years and has stations in the U.S., Europe and Asia and the Torrance station will be their seventh station in the U.S. He reported that the system used to dispense the hydrogen is a completely closed system with many safeguards and the on-site storage of hydrogen will be only 50 kilograms in Phase I, the equivalent to one 55-gallon drum of gasoline, and 140 kilograms in Phase II, the equivalent of three 55-gallon drums, whereas gas stations can store up to 42,000 gallons of gasoline. He discussed the safety of hydrogen as compared with natural gas and gasoline, explaining that hydrogen is 14 times lighter than air and dissipates quickly, rising at a rate of 45-miles an hour. He stated that an explosion in the sealed system was almost impossible because air would have to be pumped into the pressurized system in high concentration. He reported that the station will be capable of fueling 10-12 vehicles per day in Phase I and 20-25 in Phase II and it will be subject to very strict regulations established by the National Fire Protection Association for the storage of flammable liquids and the fueling of vehicles. He reviewed community outreach efforts, including an open house held on August 6 and attended by the Mayor and City Council members and approximately 50 residents. He noted that the learning center to be built in conjunction with this project will provide an opportunity to inform the public about hydrogen fuel cells.

Commissioner Busch reported that according to information he accessed on the California Fuel Cell Partnership website, which was referenced in the information packet submitted by Shell Hydrogen, Environmental Impact Reports may be required for

hydrogen fueling stations according to California Environmental Quality Act (CEQA) guidelines. For reference, he offered to submit a document from the City of Burbank indicating that an environmental impact assessment was prepared and a negative declaration was adopted for the Burbank Hydrogen Fueling Station Project.

Planning Manager Lodan later clarified that it appeared that an Initial Study was prepared for the Burbank project, which involves a checklist of environmental factors and is much less extensive than an Environmental Impact Report. He advised that staff determined that the proposed project was Categorically Exempted according to CEQA guidelines because it's consistent with the site's zoning and General Plan land use designation, therefore an Initial Study was not required.

Mr. Volk suggested that the environmental impact review may have been required because the Burbank station involves the reforming of natural gas on-site to produce hydrogen and CO₂ is emitted during this process.

Referring to Condition No. 19, which requires that any modifications to the station's operation shall be subject to the review and approval of the Community Development Director, Commissioner Busch related his preference that any proposed modifications be brought back to the Planning Commission.

Commissioner Busch questioned the need for the station to be open 24 hours a day. Mr. Volk stated that he did not expect people to be fueling vehicles at all hours of night, but they want to provide access for those qualified to use the station. He reported that most fueling is done in the morning before work or between 3:00-6:00 p.m.

Commissioner Uchima stated that he supports efforts to develop alternate fuels and recognizes their importance but was concerned about safety. He questioned whether there has ever been a serious incident involving explosions and/or fires at a hydrogen fueling station.

Mr. Volk reported that Shell experienced one incident at the White Plains facility involving a faulty pressure switch which caused a minor fire, however, all the fail-safe systems worked flawlessly and there was no serious damage or injuries. He noted that Air Products, the company that will be supplying the equipment and owns and maintains the pipeline the station will tie into, has an excellent record of over 120,000 fuelings without injury.

Fire Marshal Kazandjian advised that Torrance has had hydrogen fueling stations for many years and there has never been a major incident associated with them. He noted that hydrogen fueling systems include many fail-safe features and in the unlikely event that a tank is ruptured, the hydrogen would dissipate within seconds. He explained that propane, which is often available at gas stations, is more likely to create problems because propane will pool if spilled and there have been thousands of incidents across the country involving propane.

Commissioner Skoll expressed disappointment that Planning Commissioners were not invited to attend the open house.

In response to Commissioner Skoll's inquiry, Mr. Volk reported that the tap into the pipeline which will be used for the project was completed in 2007 during a scheduled

shutdown of the pipeline, noting that the project has been in the planning stages for several years. He confirmed that the City permitted the tap, which consists of 3/4 inch stainless steel tubing with a 1/8 inch orifice that is stubbed at the project site.

Commissioner Skoll asked about the claim in Shell literature that hydrogen fuel has been proven to be as safe as other fuels used in vehicles today.

Mr. Volk explained that hydrogen, like other transportation fuels, has certain properties that are taken into account when vehicles are designed to ensure that they are safe. He noted that all vehicles are subject to rigid safety standards and an unsafe vehicle would not be allowed on the road. He reported that fuel tanks are made of a durable composite material and have been tested by being shot at by high powered rifles and dropped from 300-foot towers and if the tank should rupture in an accident, the hydrogen would quickly rise and dissipate. He pointed out that the capacity of hydrogen fuel tanks is the equivalent of 4 gallons of gasoline as opposed to 15-20 gallons for gasoline-powered vehicles.

Commissioner Skoll noted that an August 8, 2009 editorial in the *New York Times* stated that while hydrogen cars emit fewer greenhouse gases than hybrids, the difference is not great since energy is needed to produce hydrogen and so far they have not displaced any foreign oil.

Mr. Volk explained that most hydrogen produced in the United States comes from natural gas and while it is not 100% sustainable, it reduces greenhouse gases by at least 60-65%. He noted that Shell is exploring several options for alternative fuels with the goal of reaching 100% sustainability.

Commissioner Gibson indicated that she strongly supports scientific research and believes fuel cells are the wave of the future, but had serious concerns about safety at the time this project was originally considered and commended the applicant for providing additional material, which has eased these concerns. She noted that she received an invitation to the open house but did not attend because she thought it might be a conflict of interest, however, she would like to do so at another time.

Commissioner Browning took issue with Mr. Volk's statement that an unsafe vehicle would never be allowed on the road, citing the Ford Pinto. He expressed concerns that the station will be unattended and no one will be present to ensure that people follow the appropriate procedures when fueling vehicles, i.e. not using cell phones or allowing a spouse who has not been trained to fill up a vehicle.

Mr. Volk explained that people receive rigorous training before being allowed to use the station; that the station will be monitored by cameras; and that anyone who does not follow the rules will lose their fueling privileges.

Commissioner Browning related his understanding the hydrogen fires are not visible in the daytime. Mr. Volk explained that there would be some evidence of fire from the vessel holding the hydrogen and noted that the station will be equipped with leak and flame detectors.

Commissioner Browning questioned whether any other fueling stations are in close proximity to residences. Mr. Volk reported that a station in Washington, D.C. is

next to an elementary school and stations in the Bronx, White Plains, and West Los Angeles are within 500 feet of residences.

Commissioner Browning asked if the parking being displaced by the project is required parking for buildings on the Toyota campus. Planning Manager Lodan related his understanding that the area is not part of required parking and was land-banked to allow for future development.

In response to Commissioner Browning's inquiry, Mr. Volk confirmed that the station would not charge for the fuel, therefore, no revenue would be generated for the City or State.

Commissioner Browning noted that he had mentioned at the previous hearing that the burden of proof was on the applicant to demonstrate that the project would not have an adverse impact on the property value of the residential property closest to the proposed station.

Mr. Volk reported that he did not attend the previous hearing; pointed out that the project conforms to the zoning and general plan designation for this site; and related his belief that the applicant was not required to provide this information.

The Commissioner recessed from 8:37 p.m. to 8:45 p.m.

In response to Commissioner Busch's inquiry, Planning Manager Lodan reported that other hydrogen fueling stations in Torrance were considered ancillary uses on industrially zoned property and were approved via the plan check process with review by the Fire Department. He confirmed that the Commission could require that an Initial Study be prepared and estimated that it would take several months to complete the process.

Commissioner Busch noted that he was aware of the open house but chose not to attend based on the City Attorney office's recommendation that Commissioners not attend presentations outside of Commission meetings due to the potential that information presented could create a bias.

Commissioner Browning disclosed that he did not attend the open house or any other meeting on this project outside of Planning Commission hearings.

Chairperson Weideman invited public comment.

Pat Sandt, Torrance Area Chamber of Commerce, voiced support for the project. She stated that the Chamber is a strong advocate of environmental responsibility and has been working with the City to promote energy conservation and efforts of local businesses to "go green" and the proposed hydrogen fueling station will put Torrance in the forefront of continuing efforts to develop and implement cleaner energy sources. She noted that Toyota has been recognized locally and internationally as being an environmentally responsible corporate leader with its "Process Green" initiative, which was highlighted in the April 2009 Torrance Area Chamber of Commerce newsletter.

Ken Brengle, president and CEO of Torrance Area Chamber of Commerce, read a letter of support for project per written material of record.

John Fleming, 2109 W. 187th Street, questioned the effectiveness of community outreach efforts, maintaining that only a few of his neighbors had been contacted. He expressed concerns about the safety of the project, relating his understanding that this would be the first hydrogen fueling station connected to a pipeline. He recalled that there was a hydrogen explosion in the area in the late 1960s or early 1970s at the Garrett AiResearch facility. He suggested that a better alternative would be to build the fueling station at 1900 Toyota Way.

John Bailey, president of Southeast Torrance Homeowners Association, noted a discrepancy in the maximum number of vehicles to use the station as listed in the June 17, 2009 staff report versus information provided by Shell Hydrogen. He reported that Chevron recently announced that it intends to build a hydrogen fueling station at an existing gas station in Harbor City at Western and Pacific Coast Highway, which could reduce the demand at the proposed station.

Tom Marshall, 1908 Reynosa Drive, noting that he is a high school auto shop teacher, suggested that people would be horrified at the thought of having a volatile fuel like gasoline in their cars if hydrogen-fueled vehicles had been developed first because hydrogen is much safer than gasoline. He reported that natural gas fueling stations similar to the proposed hydrogen fueling station have operated in the South Bay area for many years without incident. He stated that the Ford Pinto was a classic example of why auto manufacturers will never again produce an unsafe vehicle, pointing out that if the Pinto's fuel tank had been filled with hydrogen instead of gasoline, the damage from rear-end collisions would not have been as great. With regard to the impact on property values, he stated that both Toyota and Honda greatly improved the area when they moved into Torrance replacing steel mills and unsightly nurseries. Urging approval of the project, he related his belief that hydrogen-fueling stations will become commonplace in Torrance within the next 10-20 years.

Chris Cognac, 18926 Wilton Place, reported that the proposed station would be visible from most rooms in his home and expressed concerns about the impact on his property value. Noting that Toyota is a billion-dollar corporation with hundreds of acres of property, he suggested that the fueling station could be located somewhere else where it will not impact his property.

Commissioner Busch questioned whether an appraisal of Mr. Cognac's property would take into account the proximity of the fueling station.

City Attorney Fellows stated that he suspected the interface with industrially-zoned property has already been factored into Mr. Cognac's property value and he was not convinced that a hydrogen-fueling station would devalue it, noting that there are many industrial uses that would have a far more deleterious effect on his property value. He advised that standards for Conditional Use Permits are more focused on health and safety issues and it would be highly unusual to require an applicant to provide an appraisal for an adjacent property.

Commissioner Browning commented on the possibility that Mr. Cognac might have to disclose what he believes to be adverse impacts from the project should he sell his property since he has mentioned them in a public forum. He noted that houses adjacent to industrial property tend to be worth less than houses in a strictly residential area.

George Kivett, South Bay Association of Chambers of Commerce, voiced support for the project, stating that it fits in well with the association's goals to support job creation, promote economic development opportunities, encourage a reliable and cost-effective infrastructure system, and reduce carbon emissions and conserve energy. He noted that the proposed hydrogen fueling station will not create ground contamination unlike conventional gas stations and while the proposed station will not generate sales tax, it will boost the economy in terms of strengthening and expanding businesses. He voiced his opinion that the proposed station was well designed and an appropriate use for this industrial zone/commercial corridor.

Stephen Ellis, manager of fuel cell vehicle sales and marketing for American Honda, emphasized the importance of the fueling station to the development and deployment of fuel cell vehicles. He explained that three key areas in Los Angeles have been identified for the marketing of fuel cell vehicles – Irvine/Newport Beach, West L.A./Santa Monica and Torrance/Palos Verdes/South Bay and vehicles have already been leased in the other two areas. He reported on Honda's previous experience leasing fuel cell vehicles and explained that Honda felt it was time to move vehicles from behind the fences of research and development facilities to the real world. He provided information about the vehicles to be leased, noting that they have been government certified and crash tested and comply with federal safety standards.

Steve Hoffman, Air Products, reported that the company takes great pride in its safety record having safely completed over 120,000 fuelings at over 90 stations in 15 different countries. He noted that this project is supported by the Department of Energy and the South Coast Air Quality Management District.

Commissioner Busch asked if Mr. Hoffman was aware of any incidents involving hydrogen fueling stations. Mr. Hoffman indicated that the only one he was aware of was the incident in White Plains mentioned by Mr. Volk in which the failure of a pressure switch resulted in the release of hydrogen and safety systems initiated a shutdown.

In response to Commissioner Gibson's inquiry, Mr. Hoffman reported that Air Products is based in Allentown, Pennsylvania, with offices in Fountain Valley, and operates hydrogen plants in Carson/Wilmington and air separation plants in El Segundo and Santa Fe Springs.

Asam Sheikh, 2101 W. 187th Street, stated that he supports new technology, but was concerned about the safety of the proposed fueling station especially since it will be unattended. He reported that this area is very congested during morning commute times and suggested that a better location for the station would be on Toyota Way.

Craig Scott, manager of advanced technology vehicles for Toyota, provided background information about Toyota's fuel cell vehicle program, reporting that the company expects to have between 100-150 fuel cell vehicles on the road within the next couple of years. He explained that significant progress has been made in lowering the cost and improving the safety and reliability of fuel cell vehicles to the point that Toyota is now comfortable with putting them in the hands of customers. He noted that Torrance has been in the forefront of this technology and the proposed station will be the first pipeline station in the world.

Robert Rudolph, president of North Torrance Homeowners Association, reported that the Association's Board of Directors supports the project. He noted that the City of Torrance has been promoting efforts to "go green" and the hydrogen fueling station is a major effort in that direction. He stated that it takes large corporations willing to invest in experimental projects in order to advance technology and this location has an existing pipeline, allowing for immediate access to hydrogen without having to transport it in trucks.

In response to Commissioner Busch's inquiry, Mr. Rudolph clarified that the decision to support the project was made at a board meeting, not a meeting of the general membership.

Mr. Rudolph, speaking on his own behalf, stated that the staff report indicates that security cameras will retain video for only 15 days, however, he believes it should be held for a minimum of 30 days because it could take time to recognize a problem. He also recommended that there be an on-site attendant because a lot can happen from dawn to dusk.

Returning to the podium, Mr. Volk suggested that the lack of sales tax revenue from the station was insignificant as compared to the benefit from the billions of dollars being invested by companies like Toyota and Honda in fuel cell technology. He reported on community outreach efforts, noting that invitations to the open house were sent to every residence within a 500-foot radius and representatives went door-to-door on Wilton Place, even offering to drive elderly residents to the open house if they needed transportation. Addressing safety concerns, he advised that the hydrogen pipeline is continuously monitored with fail-safe mechanisms that shut down the system in the event of a leak and related his belief that the proposed site was an ideal location for the fueling station. With regard to Chris Cognac's property, he explained that lighting has been reduced to the minimum needed for safety purposes; that more green space has been added; and that a tree will be planted on the Toyota property to fill the existing gap in trees and completely screen the project from his view. He noted that fuel cell vehicles are very quiet since there is no engine combustion so noise should not be a problem. He emphasized the importance of the project, citing long-range economic and environmental benefits.

Commissioner Uchima stated that he agreed with Mr. Rudolph that video from security cameras should be retained for longer than 15 days, and Mr. Volk indicated that the video could be retained from 60 to 90 days.

Commissioner Browning commended Mr. Volk for an excellent presentation. He stated that he thought it was a great project, but still had some concerns about the location.

Chairperson Weideman also commended the applicant for being very responsive to the Commission's requests for additional information and more community outreach.

Stephen Ellis, American Honda, briefly summarized the training received by customers before they are allowed to operate a fuel-cell vehicle, explaining that they receive both classroom and hands-on training and they are fully versed in safety procedures.

MOTION: Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Commissioner Uchima voiced support for the project with conditions added requiring video to be retained for 90 days and the planting of a tree to screen Mr. Cognac's property.

Commissioner Horwich stated that tonight's presentation and the material submitted had convinced him that the project was safe and the location on 190th Street was appropriate, but requested confirmation that the parking to be displaced by the project is not required.

Planning Manager Lodan advised that the area is an overflow parking lot and not required for any development.

Commissioner Gibson expressed support for the project, indicating that her concerns about safety issues had been addressed and she was comfortable with the project. She encouraged Mr. Cognac to work with the applicant to resolve any remaining issues, relating her experience that corporate neighbors can be very receptive.

Commissioner Busch questioned whether staff believed their recommendation would be any different if the Commission had ordered that an Initial Study be done.

Planning Manager Lodan explained that staff already has the background information and departmental reviews that would be gleaned by an Initial Study and doubted that preparing the document itself would make any difference.

Commissioner Skoll voiced support for the project, stating that tonight's discussion and the written material provided had convinced him that hydrogen fuel is part of the future.

Commissioner Browning recommended that all driveways be right-turn only, and Planning Manager Lodan concurred with this recommendation.

In response to Commissioner Gibson's inquiry regarding Condition No. 35, Fire Marshal Kazandjian confirmed that the fire hydrant at the west property line will be upgraded to meet current standards whether or not it has to be moved.

Chairperson Weideman expressed support for the project, noting that he was struck by Mr. Marshall's comments concerning the public's reaction to gasoline-powered vehicles if hydrogen-fueled vehicles had been invented first.

MOTION: Commissioner Browning moved for the approval of CUP09-00008, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Modify

No. 12 That a landscape plan shall be submitted to the Community Development Department to ensure adequate screening between subject property and adjacent residential uses for approval

No. 19 That any proposed modifications to the station's operations shall be subject to the review and approval of the ~~Community Development Director~~ Planning Commission.

No. 21 That any proposed additions or expansions shall be subject to the review and approval of the ~~Community Development Director~~ Planning Commission.

No. 31 That the applicants shall install "Right Turn Only" ~~sign~~ signs on ~~the new proposed easterly driveway~~ all driveways.

No. 33 That the two existing driveways on 190th Street shall be right turn only and shall be reconstructed...

Add

- That videos from security cameras shall be retained for a minimum of 90 days.

The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Commissioner Busch doubted that other Planning Commissions have been so thorough when reviewing similar projects and commended his fellow Commissioners for their diligence.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 09-028.

MOITION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-028 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP09-00011: ROYAL BUSINESS BANK (ALAN THIAN)**

Planning Commission consideration for approval of a Conditional Use permit to allow the operation of a commercial bank in an existing commercial building on property located within the Meadow Park Redevelopment Project Area in the HBCSP-MP Zone at 23740 Hawthorne Boulevard, Suite 103.

Recommendation

Approval.

Planning Assistant Yumul introduced the request.

In response to Commissioner Busch's inquiry, a bank representative reported that the bank is privately held and not publicly traded.

Alan Thian, CEO and president of Royal Business Bank, 123 E. Valley Boulevard, San Gabriel, provided background information about the bank. He reported that the bank commenced operations in November 2008 with initial capital of \$71 million and it currently has two locations, the head office located in downtown Los Angeles and a branch in San Gabriel. He explained that the bank caters to small and medium sized businesses and offers constructions loans, commercial/industrial loans, SBA (Small Business Administration) loans and international banking, but does not offer residential real estate loans, home equity loans or free checking. He stated that customer traffic is very low and averages only about 8 customer visits per day per branch.

In response to Commissioner Busch's inquiry, Mr. Thian reported that while it is common for the bank to handle large transactions, they usually do not involve cash and confirmed that there will be an ATM outside the building with access for the public.

Commissioner Busch, echoed by Commissioner Browning, voiced support for the project.

Alex See, 25602 Amberleaf Road, stated that he supports the project and believes having a Royal Business Bank in Torrance will benefit the community, especially the Chinese-American community.

MOTION: Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

MOTION: Commissioner Uchima moved to approve CUP09-00011, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 09-040.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 09-040. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

11B. CUP09-00010: DEAN REUTER (RON SCANLON – RON'S AUTO BODY SHOP

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction and operation of an automobile paint and body shop on property located within the Industrial Redevelopment Project Area, M-2 Heavy Manufacturing District at 1748-1752 Border Avenue.

Recommendation

Approval.

Planning Assistant Yumul introduced the request and noted supplemental material available at the meeting consisting of revised conditions of approval and public correspondence received after the agenda item was completed.

In response to Chairperson Weideman's inquiry, Sr. Planning Associate Chun reported that the project is not within Border Avenue area under study as part of the General Plan update.

Dean Reuter, project architect, voiced his agreement with the recommended conditions of approval, including the revised conditions in the supplemental material. He clarified that primary access will be on Border Avenue and the driveway on Abalone Street was added to provide access for the Fire Department. He noted that the staff report mentions that there will be a ten-foot high block wall along the easterly side of the property, however, he would like to change the material to be less specific because some other type of screening might be used. Referring to Condition No. 4, which requires that a landscape plan be submitted to the Community Development Department prior to the issuance of any building permits, he requested to be allowed to submit the landscape plan later so they can begin bringing water, sewer and electrical service to the property while the site plan is finalized.

Commissioner Browning voiced his opinion that this was a win/win project, which will allow for the development of the existing auto body shop site in the downtown area and upgrade the area where the shop is relocating. He noted that Ron's Auto Body Shop has a reputation for being a first-class operation and thanked its owner for his willingness to invest in the new location.

Charles Tsai, owner of a warehouse at 1800 Border Avenue, expressed concerns about project's impact on noise, air quality and traffic and suggested that if the auto body shop was not appropriate for the downtown area, it's also not appropriate for this area.

Planning Manager Lodan advised that the AQMD regulates auto body shops to ensure that air quality is not impacted by the painting of autos; that a noise attenuation study will be required as part of the plan check process; and that all repair work and painting will take place inside the building and all vehicles will be parked on-site.

In response to Commissioner Gibson's inquiry, Mr. Tsai reported that he operates a bike parts business from his warehouse.

Dick Rossberg, Torrance Bakery, noted his disagreement with the statement in the staff report that relocating the auto body shop will remove blight, relating his experience that Ron's Auto Body Shop is attractive and well maintained.

Chairperson Weideman stated that he also did not believe that Ron's Auto Body Shop contributes to the blight on the eastern side of the downtown area.

Victor Bilach, owner of a business at 1736 Border Avenue, expressed concerns that the auto body shop will decrease the value of his property and other properties on the block, noting that there are six business condominiums in his complex.

Commissioner Browning noted that the site is zoned M-2, Heavy Manufacturing.

Chairperson Weideman suggested that Mr. Bilach may be interested in attending upcoming General Plan workshops because a proposal to change the Land Use Designation of properties across the street will be considered.

Janet Payne 1318 Engracia Avenue, voiced support for the project, relating her belief that the subject property is an ideal place to relocate this business. She noted that a lumber company formerly occupied this site, which was much noisier and had a greater impact on the environment than the proposed project. She stated that she never

considered Ron's Auto Body Shop to be blighted and felt that it set a good example for other businesses. She noted that Ron Scanlon, the owner of Ron's Auto Body Shop, invests in the community as well as investing in his business.

Ron Scanlon, owner of Ron's Auto Body Shop, 1420 Cabrillo, noted that an auto body shop can be attractive as evidenced by the beautification award he received from the City in 1993. He reported that he likes his existing location and was moving at the request of the City of Torrance and while he does not want to leave Torrance, if Commissioners do not believe this is an appropriate site, he would consider other options, including an opportunity to relocate in Lomita.

Commissioner Skoll questioned why the City has asked Mr. Scanlon to move.

Mr. Scanlon explained that while there have been some discussions, the City has not formally requested that he move and he has submitted a letter to the City regarding the potential purchase of his property.

City Attorney Fellows clarified that the City received the letter from Mr. Scanlon but has taken no action and it should have no bearing on the Commission's decision.

Commissioner Busch stated that he respects those who expressed concerns but felt that overall this was a worthy project and he would support it, noting the auto body shop's outstanding reputation.

Voicing support for the project, Commissioner Gibson noted that Ron's Auto Body Shop looks so unlike an auto body shop that it's easy to miss it.

MOTION: Commissioner Busch moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

MOTION: Commissioner Browning moved to approve CUP09-00010, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

No. 4 That a landscape and irrigation plan shall be submitted to the Community Development Department for approval ~~prior to the issuance of any building permits~~ and shall be implemented prior to occupancy...

The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 09-041.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-041 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Chairperson Weideman requested that staff notify Mr. Bilach regarding upcoming General Plan workshops.

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS** – None.

15. **CITY COUNCIL ACTION ON PLANNING MATTERS**

Planning Manager Lodan reported that the Gospel Venture International Church on Western Avenue was approved by the City Council at the August 18 Council meeting.

16. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the September 2, 2009 Planning Commission meeting. He also reviewed the schedule for General Plan workshops.

17. **ORAL COMMUNICATIONS #2**

17A. Sr. Planning Associate Chun introduced Planning Assistant Marina Martos.

17B. City Attorney Fellows thanked Chairperson Weideman for attending a training session on public hearings.

17C. Planning Manager Lodan reminded Commissioners that a meeting on the potential consolidation of City commissions would be held on Monday, August 24, at 7:00 p.m. in the Katy Geissert Civic Center Library meeting room.

17D. Commissioner Busch commended staff for being well prepared for the hydrogen fueling station item.

18. **ADJOURNMENT**

At 11:00 p.m., the meeting was adjourned to Wednesday, September 2, 2009 at 7:00 p.m.

Approved as Submitted October 7, 2009 s/ Sue Herbers, City Clerk
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